

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No. 3:21-cr-000155-JD

Trial Date: November 28, 2022

UNITED STATES V. CARLOS E. KEPKE

**UNITED STATES' FIRST AMENDED EXHIBIT LIST**

<b>Ex.</b>	<b>Description</b>	<b>Offered</b>	<b>Admitted</b>
1	Email, Arguelles to CEK dated November 10, 2009		
2	Deed of Removal of Trustee/Appt of Successor dated November 25, 2009		
3	Excelsior Trust Notice of Resignation Trustee, dated November 25, 2009		
4	Letter reference Excelsior Trust, dated February 26, 2010		
5	Form T and Addendum to the Management Mandate dated August 18, 2010		
6	Orion Corp. Letter reference Excelsior Trust dated December 8, 2010		
7	Email, Arguelles to CEK & trust@orionbc.com dated June 3, 2013		
8	Email, Arguelles TO CEK, ref. Excelsior Trust, dated September 8, 2013		
9	Email, CK to Orion Corporate/Brian Escalante dated September 12, 2013		
10	Email, Orion Corporate to Aretha Maduro, dated September 12, 2013		

11	Email, CK to Orion Corporate dated October 19, 2013		
12	Email, Aretha Maduro to Orion Corporate, dated October 23, 2013		
13	Email, Orion Trust Department to CK, Flash, dated January 14, 2014		
14	Signed Trust Indenture dated March 29, 2000		
15	Email, CK to Arguelles, Excelsior Trust-Accounting, dated January 14, 2014		
16	Email, Orion Trust to David Foster, Carlos Kepke & Arguelles, dated September 26, 2014		
17	Letter, Orion Corporate ref. Flash Holdings LLC dated September 26, 2014		
18	Email, CK to Orion Corporate/Brian Escalante, dated December 12, 2014		
19	Email, Orion to Arguelles & CK to Orion, dated December 31, 2014		
20	Email, Orion Trust to CK & Arguelles, dated January 15, 2015		
21	Certificate of Authenticity of Public Records, dated July 24, 2018		
22	Letter, Termination of Excelsior Trust dated July 31, 2018		
23	Certificate of Authenticity of Business Record, dated July 31, 2018		
24	Email, Arguelles to Christine Ping dated May 19, 2010		
25	Email Don Jones to Emil Arguelles		
26	Fax Cover Sheet, Kepke to Arguelles		

27	Fax Cover Sheet, Emil Arguelles to Carlos Kepke		
28	Fax Cover Sheet, Shiromi Thuraiaiyah to Carlos Kepke; Ltr from Arguelles dated 5/19/2003		
29	Email Kepke to Arguelles		
30	Email Arguelles to Kepke		
31	Email Kepke to Belizelawyer2hotmail.com		
32	Email Arguelles to Christine Ping		
33	Email Arguelles to Maduro		
34	Email Kepke to Belizelawyer@hotmail.com		
35	Email RNeal to Belizelawyer@hotmail.com, cc:Kepke		
36	Email Kepke to Belizelawyer@hotmail.com		
37	Email Kepke to Trust@orionibc.com chain and membership certificate		
38	Email Arguelles to Kepke chain		
39	Email chain with redactions, Arguelles		
40	Email chain Robert Smith to Enrico Gaspare		
41	Email Arguelles to Kepke		
42	Affidavit Headley Waddington		

43	Email chain Warnken-Brill to Robert Smith		
44	Email Kepke to Robert Smith		
45	Email Orion Trust to David Foster/Gregory Craig/Robert Smith		
46	Email Orion Corporate to Robert Smith		
47	Email Kepke to Warnken Brill		
48	Email Warnken Brill to Kepke		
49	Letter from Carlos Kepke		
50	Email Kepke to Warnken Brill		
51	Letter from Carlos Kepke		
52	Email Kepke to Sribuzy1@yahoo.com		
53	Email Kepke to Robert Smith		
54	Email Kepke to Robert Smith		
55	Email Kepke to Robert Smith		
56	Email Kepke to Robert Smith		
57	Fax Cover Sheet, Kepke to Robert Smith		
58	Fax Cover Sheet, Kepke to Arguelles		

59	Email Kepke to Karen Cabrera		
60	Email Kepke to John Staples		
61	Email Glenn Godfrey to David Foster		
62	Email Gregory Craig to Glenn Godfrey, cc: Kepke		
63	Cititrust International Invoice attn to Robert Smith		
64	Email Kepke to Glenn Godfrey		
65	Email Kepke to Karen Cabrera		
66	Carlos Kepke Invoice Statement		
67	Client Trust List - Trust/Foreign Corporations, no date		
68	Smith Non-Prosecution Agreement		
69	Smith Non-Prosecution Agreement Statement of Facts		
70	Principals of MGTCO 9/20/99		
71	Emerging Technologies Investment Fund, Summary of Principal Terms dtd Jan 12, 2000		
72	Emerging Technology Investment Fund, Limited Partnership Agreement dtd Mar 30, 2000		
73	Fax Letter from Carlos Kepke to Glenn Godfrey dated Dec 8, 1999		
74	Fax Cover Sheet, Excelsior Trust, Request to Smith for name & address of settlor		
75	Excelsior Trust Fax Cover Letter and Draft of Excelsior Trust Indenture		

76	Fax Cover Sheet, Excelsior Trust, Request to Smith for Name & Address of Settlor		
77	Fax Cover Sheet, Concern over Conflict of interest on Smith as an official Client		
78	Fax dtd March 10, 2000 from Glenn Godfrey to Carlos Kepke		
79	Fax From Robert Smith to Glenn Godfrey dated March 13, 2000		
80	Signed Excelsior Trust Indenture		
81	Email, Headley Waddington & Need for Bearer Share Certificate		
82	Letter/Invoice for \$1,250 Corporate Maintenance Fees for Flash Holdings		
83	Fax From Robert Smith to Cititrust International, Inc re Creation of Excelsior Trust		
84	Copy of \$30K Check to Cititrust Intl for execution of Excelsior Trust		
85	Certification of Excelsior Trust by Carlos Kepke		
86	Flash Holdings Articles of Organization (Incorporation)		
87	Certification of Flash Holdings		
88	Flash Holdings Shares		
89	CK Invoice re Work with Robyn Neal		
90	Ltr Invoice Notification for Flash Holdings LLC		
91	CK Invoice notice for Nevis Trust		

92	Fax from Carlos Kepke to Robert Smith re Excelsior Trust		
93	CK Invoice notice for Flash Holding LLC		
94	CK Invoice notice for Flash Holding LLC		
95	Letter from Carlos Kepke to Robert Smith Transmitting Trust Documents		
96	Ltr reference Flash Late Payment Penalty Fees & Sending Check Payable to Kepke		
97	CK Law Office Balance Statement, Trusteeship of Excelsior		
98	Email, CK to RS about problem w/Flash Holding investing in Vista Foundation		
99	CK Law Office Balance Statement, Service for December 2011		
100	Email, Reference 1/1/2015 Invoice		
101	Ltr, Flash Holding, IRS treatment of bearer certificate U.S. ownership		
102	Intentionally Blank		
103	Ltr reference Repatriation of Foreign Profits/Dividends		
104	Ltr, Offer of Lower Corporate Maintenance Fees		
105	Email from Carlos Kepke to Robert Smith re Cititrust contact		
106	Robert Smith 2011 1040X Amended Income Tax Return		

107	Fax Cover Sheet, Note on U.S. Citizen Donate Assets to Foreign Trust deemed Grantor/Settlor		
108	OVDP Streamlined Filing Transmittal Letter IRS_Tax_Returns_RS_007961		
109	Resignation of Cititrust as Trustee		
110	Letter from Carlos Kepke to Robert Smith Trustee Fees		
111	Email, Trustee Purchasing Share Capital of Flash Property Holding,		
112	IRS and Foreign Trust Owner Explanation Letter		
113	Email, Request for Org chart of all Foreign Trusts to Review		
114	Email on attached letter about foreign corporations and foreign trusts		
115	Email from Carlos Kepke to Robert Smith re Robyn Neal		
116	Email from Carlos Kepke to Robert Smith re Nevis LLCs		
117	Email from Robert Smith to Carlos Kepke re Robyn Neal		
118	Email, Excelsior Trust/Hire Act Tax Legislation		
119	Email, Regarding Flash Property Mgmt. LLC/Bank Account and applicable laws		
120	Email from Robert Smith to Carlos Kepke re financial interest in Bank Account		
121	Email from Carlos Kepke to Robert Smith re filing W-9 Forms		



122	Email, Compliance Status of Flash Holding LLC		
123	Email from Robert Smith to Carlos Kepke directing non-filing of Forms W-9		
124	Dubinsky Report, Figure 68, Letter from Robert F. Smith to Meridian Trust Company Limited dated October 19, 2009, K-F-P-020553		
125	Email, CK to RS, Advising J. Godfrey/Cititrust not to contact Smith directly but contact Kepke		
126	Email from Robert Smith to Joy Godfrey re instructions for trust registration		
127	Letter, RS advising Flash Holding consisting solely of holding investment assets		
128	Fax dtd July 7, 2000 from Carlos Kepke to Robert Smith		
129	Email, CK to K. Cabrera, Beneficial Owner reluctance to make official request		
130	Email, CK to G. Godfrey, Beneficial Owner reluctance to give requested authorization		
131	Email, CK to RS, Abt sending communication as Trust Protector not manifesting control		
132	Fax Cover Sheet, Request \$30K Invoice & \$7.5K Initial Funding of Trust		
133	Email, J. Godfrey writing Smith to find out if there another contact on trust matters		
134	Email, CK suggests Smith make payments and handle all trust correspondence through him		
135	Fax from CK to Robert Smith re "Cleanse" files		
136	Email from Carlos Kepke to Robert Smith re "securitize" files		

137	Email, RS to CK, Not making changes to Excelsior Trust until 2008		
138	Dubinsky Report, Figure 80, Schedule B, Part III Foreign Accounts and Trust on 2010 Form 1040		
139	Email, Orion's response to RS for an accounting of Excelsior Trust assets		
140	Email, Sale of The Robert Smith Family Limited Partnership to Flash Holdings LLC		
141	Letter, RS/Flash Holding recommendation that company enter promissory note w/RS		
142	Email, Response incorrect as Belize came off the OECD blacklist and onto whitelist		
143	Assignment of Shares dated 12/18/2013		
144	Fario Investments LLC Bank Statements		
145	Email with Frutiger re Fario dated 12/13/2013		
146	Email RS to CK to pay registration fees for Fario dated 2/1/2014		
147	Email RS to CK re transfer of assets from FH to Fario dated 10/29/2013		
148	Intentionally Blank		
149	Email Frutiger to JWB re assignment from FH to Fario (1pg) dated 6/11/2013		
150	Email JWB to Frutiger re Fario dated 6/24/2013		

151	Email Gaspare to RS re creation of Fario dated 5/23/2013		
152	Email RS response to Gaspare dated 5/23/2013		
153	Email Frutiger to JWB executed assignment FH to Fario dated 6/7/2013		
154	Executed Assignment dated 12/18/2013 (Same as Belize-MLAT-000829)		
155	Robert Smith OVDP March 2014 OVDP Filing and Response		
156	Email, CK to J. Turnbull, Smith reluctance to reply to email abt control of company		
157	Fax from Carlos Kepke to Robert Smith re Flash Holding and assets		
158	Robert Smith 2012 1040X Amended Income Tax Return		
159	Robert Smith 2013 1040X Amended Income Tax Return		
160	Email From Permit to redfish re VEF II and MAC accounts		
161	Email re VEF II Amendment #6		
162	VEF II Amendment #6		
163	Email from Robert Smith to Frutiger		
164	Email chain with Auditors re VEF II windup		
165	Vista Equity Partners Letter re VEF II Windup		
166	First Caribbean International Bank Records Certification		
167	First Caribbean International Bank Records Certification		
168	Vista Equity Partners Fund IV (Parallel) Financial Statements 2011 DT 0013106		
169	Vista Equity Partners Fund IV (Parallel) Financial Statements 2011 DT 0013167		

170	Vista Equity Partners Fund IV (Parallel) Financial Statements 2012 DT 0024660		
171	Vista Equity Partners Fund IV (Parallel) Financial Statements 2013 DT 0050487		
172	Vista Equity Partners Fund IV (Parallel) Financial Statements 2014 DT 0094592		
173	Vista Equity Partners Fund IV (Parallel) Work Papers 2012 DT 0015915		
174	Vista Equity Partners Fund IV (Parallel) Work Papers 2013 DT 0028591		
175	Vista Equity Partners Fund IV (Parallel) Work Papers 2014 DT 0054900		
176	Vista Foundation Fund I (Parallel) Financial Statements 2012 DT 0013180		
177	Vista Foundation Fund I (Parallel) Financial Statements 2013 DT 0024908		
178	Vista Foundation Fund I (Parallel) Financial Statements 2014 DT 0093832		
179	Vista Foundation Fund I (Parallel) Financial Statements Structural Chart DT 0013554		
180	Vista Foundation Fund I (Parallel) Work Papers 2012 DT 0015823		
181	Vista Foundation Fund I (Parallel) Work Papers 2013 DT 0028477		
182	Vista Foundation Fund I (Parallel) Work Papers 2014 DT 0054797		
183	First Caribbean Bank Wire Transfer Instructions for Vista Equity Fund II CTRL00051386		
184	First Caribbean Bank Wire Transfer Instructions for Vista Equity Fund II CTRL00056631		
185	First Caribbean Bank Wire Transfer Instructions for Vista Equity Fund II CTRL00058976		

186	Vista Equity Partners Employment Litigation Documents Draft Complaint		
187	Vista Equity Partners Employment Litigation Documents Settlement Agreement		
188	Vista Equity Partners Employment Litigation Documents Misc Documents		
189	Vista Equity Fund II Audited Financial Statements 2005 VISTA0032517		
190	Vista Equity Fund II Audited Financial Statements 2006 VISTA0134917		
191	Vista Equity Fund II Audited Financial Statements 2007 VISTA0134936		
192	Vista Equity Fund II Audited Financial Statements 2008 VISTA0021145		
193	Vista Equity Fund II Audited Financial Statements 2009 VISTA0021164		
194	Vista Equity Fund II Audited Financial Statements 2010 VISTA0021207		
195	Vista Equity Fund II Audited Financial Statements 2011 VISTA0239200		
196	Vista Equity Fund II Audited Financial Statements 2012 VISTA0021245		
197	Vista Equity Fund II Audited Financial Statements 2013 VISTA0021263		
198	Vista Equity Fund II Audited Financial Statements 2014 VISTA0021283		
199	Email, Pamela Ott to Roger Humphrey, cc:Denise Davis, dated 10/10/2013		
200	Email, Meal@bonhote.ch to John Warnken Brill, cc: Denise Davis, dated June 29 2012		
201	Email, John Warnken Brill to Denise Davis, dated April 12, 2013		

202	Email, Denise Davis to Frutiger, & Claudette Sewell, dated December 26, 2012		
203	Email, Denise Davis to Ricki Seto & John Warnken Brill, dated 12/14/2011		
204	Email, Denise Davis to John Warnken Brill, dated 5/28/2010		
205	Email, Denise Davis to John Warnken Brill, dated 6/6/2013		
206	"Waterfall" Schedules		
207	"Waterfall" Schedules		
208	"Waterfall" Schedules		
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238	"Waterfall" Schedules		
239	"Waterfall" Schedules		
240	Rule 1006 Summary of Vista Equity Fund II, LP Distributions		
241	Rule 1006 Summary of Book and Taxable Income		
242	Account 13808 opening docs		
243	Account 13808 Signature Card		
244	Account 13808 Establishment of Beneficial Owner's Identity Form		
245	Email exchange between R. Smith and R. Neal regarding establishment of segregated accounts		
246	Letter from E. Arguelles to R. Neal transmitting "Addendum to Management Mandate" and "Form T"		



247	Email exchange between R. Neal and R. Smith regarding whether C. Kepke can facilitate conversation of BVI entity to LLC for the structure of SCIs		
248	Email exchange between R. Neal and C. Kepke regarding difference between BVI LTDs and LLCs		
249	Email exchange between R. Neal and C. Kepke regarding transfer for share from Flash Holdings LTD to Flash Holdings LLC		
250	Exchange between R. Neal and Genevieve Calame regarding purpose of Neuchatel Fishing Services SA		
251	Email from R. Smith to R. Neal re Recapitalization of Sunquest		
252	Email exchange regarding decoration of chalets		
253	Email exchange between R. Neal and R. Smith re chalet purchases		
254	Email exchange between R. Neal and R. Smith re chalet purchases. R. Smith advises on Trustee role		
255	Email exchange between R. Neal and R. Smith re confirmation of Saint Amour deal		
256	Email exchange between R. Neal and C. Kepke regarding KYC and compliance documents for establishment of White Mulberry SARL		
257	Email from C. Kepke to R. Neal stating that best way to get settlor's passport is through R. Smith		
258	RN tells CK that RS can likely arrange for a certified copy of the "Settlors" passport		
259	Email exchange between R. Neal and C. Kepke regarding Baker Makenzie tax advice		
260	Email exchange between R. Neal and C. Kepke regarding Baker Makenzie tax advice		
261	C. Kepke email regarding Baker Mckenzie tax advice		
262	Email exchange between R. Neal and R. Smith regarding payment to C. Kepke for chalet purchases		

263	Email from R. Smith to R. Neal re proof of address for Waddington		
264	Handwritten instructions from R. Smith		
265	Loan agreement between Flash Holdings and White Mulberry		
266	Email from C. Kepke to R. Neal and R. Smith regarding trust protectors and taxation of U.S. persons		
267	Email from R. Neal to C. Kepke regarding Mountain Air Trust Deed		
268	Email from C. Kepke to E. Arguelles re execution of Mountain Air trust documents		
269	Account opening docs for white mulberry 05/12/2011		
270	Account opening docs for SCI Pyramus 05/12/2011		
271	Account opening docs for SCI Thisbe		
272	White Mulberry Org Chart		
273	Mountain Air Org Chart		
274	MOI Robyn Neal		
275	MOI Robyn Neal		
276	Email from JWB to R. Neal re new bank account details		
277	Credit Advice for \$6,505,864.22 Ventyx Payment		
278	Credit Advice for \$16,786,114.37 Ventyx Payment		
279	Credit Advice for \$12,716,753.15 Ventyx Payment		
280	Credit Advice for \$11,128,959.00 Transfer		
281	Credit Advice for Eur 5,299,700 to Caisse des Depots		

282	Credit Advice for \$25,000 payment to CK		
283	Email between R. Neal and C. Kepke re share certificates		
284	Email between R. Neal and C. Kepke re share certificates		
285	Credit Advice for \$5,017,037.00 transfer to VEPF IV (Parallel)		
286	Email from RN to CK asking for review of various Flash Property certificates and formation docs		
287	Credit Advice for \$20,000 payment to CK		
288	Credit Advice for \$40,000 payment to CK		
289	Banque Bonhote Certificate of Authenticity		
290	Banque Bonhote Certificate of Authenticity		
291	Banque Bonhote Certificate of Authenticity		
292	Trust Indenture for Excelsior Trust		
293	Intentionally Blank		
294	Dubinsky Report, Figure 3, Letter/Fax to Department of the Treasury, Internal Revenue Service, March 21, 2014, Smith application for OVDP		
295	Dubinsky Report, Figure 4, Department of the Treasury, Internal Revenue Service April 8, 2014 letter to Mark Matthews In Re: Robert Smith,		
296	Dubinsky Report, Figure 6, Email from Robert Smith to Robyn Neal dated December 23, 2010		
297	Dubinsky Report, Figure 10, Grand Jury Testimony of Denise Davis dtd 7/20/2017		

298	Dubinsky Report, Figure 11, Letter from Carlos Kepke to Andrew F. Keuls, ATU General Trust (BVI) Limited dated September 29, 2000		
299	Dubinsky Report, Figure 18, Email from Robert Smith to Banque Bonhôte dated November 30, 2014, VEF II distribution to general partners		
300	Dubinsky Report, Figure 19, Email from Robert Smith to Banque Bonhôte dated November 21, 2014, clawback		
301	Intentionally Blank		
302	Property Management Agreement between Flash Holdings, LLC and Flash Property Management, LLC dated June 1, 2000, Signed Agreement		
303	Dubinsky Report, Figure 22, Addendum for 124 Loma Vista Drive, Sonoma, CA, California Association of Realtors, November 3, 2005		
304	Dubinsky Report, Figure 23, Addendum for 124 Loma Vista Drive, Sonoma, CA, California Association of Realtors, November 3, 2005		
305	Dubinsky Report, Figure 24, Statement, Flash transferred approximately \$2.5 million directly from Flash Holdings' account with VP Bank to Comerica Bank "for the purchase of property at Sonoma, California USA		
306	Dubinsky Report, Figure 25, Grant Deed for Parcel No. 133-102-017 dated December 7, 2005		
307	Dubinsky Report, Figure 26, Bank of America Limited Liability Company Signature Card for Flash Property Management acct. #0045 4010 7728 dated December 12, 2005 (bates number given in Dubinsky report is for checks and deposit slips not the signature card)		

308	Dubinsky Report, Figure 27, Grand Jury Testimony of Ann M. Wempe dtd 4/20/2017 (Work Authorization dated February 20, 2006)		
309	Dubinsky Report, Figure 28, Grand Jury Testimony of Ann M. Wempe dtd 4/20/2017		
310	Bank of America Records, Flash Account, x7728		
311	Intentionally Blank		
312	Dubinsky Report, Figure 31, Banque Bonhôte Debit Advice for acct. #13808_1 dated July 3, 2012; \$250,000 was transferred directly from Flash Holdings to Ms. Wempe of ZumaOOH! in July 2012		
313	Dubinsky Report, Figure 32, Banque Bonhôte Debit Advice for acct. #13808_1 dated May 24, 2013, BT_00022270		
314	Dubinsky Report, Figure 33, Banque Bonhôte Debit Advice for acct. #13808_1 dated May 30, 2013, BT_00022271. The \$1 million (two transfers of \$500,000 each net of fees) transferred into Flash Property Management's Bank of America acct. #7728 from Banque Bonhôte in 2013		
315	Intentionally Blank		
316	Dubinsky Report, Figure 35, Banque Bonhote Debit Advice for acct#13808_1, dtd Oct 4, 2013		
317	Dubinsky Report, Figure 36, Grand Jury Testimony of Suzanne McFayden-Smith dated March 23, 2017		
318	Dubinsky Report, Figure 37, Grand Jury Testimony of Suzanne McFayden-Smith dated March 23, 2017		

319	Dubinsky Report, Figure 38, Email chain between Allan Smith & Jennifer Powell dtd Sep 12 -17, 2014		
320	Dubinsky Report, Figure 39, Short Term Rental Agreement and Deposit Receipt for Deon Taylor dated September 20, 2014		
321	Dubinsky Report, Figure 40, Short Term Rental Agreement and Deposit Receipt for Robert F Smith dated October 1, 2014		
322	Dubinsky Report, Figure 41, Grand Jury Testimony of Ann M. Wempe, dated 4/20/2017		
323	Dubinsky Report, Figure 42, Grand Jury Testimony of Suzanne McFayden-Smith dated 4/20/2017		
324	Dubinsky Report, Figure 43, Email from Robert Smith to Aretha Maduro dated 9/27/2012		
325	Dubinsky Report, Figure 44, First American Title Company Seller's Final Settlement Statement for 124 Loma Vista Drive, Sonoma CA, dated August 18, 2015		
326	Dubinsky Report, Figure 47, Banque Bonhote Debit Advice, dated December 20, 2010		
327	Dubinsky Report, Figure 48, Banque Bonhote Debit Advice for acct#113808_1 dated December 29, 2010		
328	Dubinsky Report, Figure 51, Email chain between Robert Smith and Robyn Neal, dtd April 12, 2011		
329	Dubinsky Report, Figure 52, Letter from Robert Smith dated December 12, 2011		
330	Dubinsky Report, Figure 54, Banque Bonhote Debit Advice for acct #113504_0 dated January 26, 2012		
331	Dubinsky Report, Figure 56, Email from Banque Bonhote representative to Robert Smith at his Vista address dated February 13, 2013		
332	Dubinsky Report, Figure 57, Email from Banque Bonhôte representative to Robert Smith dated May 3, 2013, BT_00010539		

333	Dubinsky Report, Figure 58, Banque Bonhôte Debit Advice for acct. #113808_3 dated February 22, 2013, BT_00022255		
334	Dubinsky Report, Figure 59, Banque Bonhote Debit Advice for acct. #113808_3 dated May 15, 2013		
335	Dubinsky Report, Figure 60, Banque Bonhôte Debit Advice for acct. #144041_1 dated July 24, 2013, RFS-0000499		
336	Dubinsky Report, Figure 61, Email from Robert Smith to Robyn Neal dated December 17, 2010, BT_00019839.		
337	Dubinsky Report, Figure 62, Email from Robert Smith to Antonin Allard dated December 16, 2010, BT_00029538		
338	Dubinsky Report, Figure 63, Bill of Sale for Robert. F Smith's partnership interest dated May 15, 2012, K-F-024848		
339	Dubinsky Report, Figure 64, Email chain between Carlos Kepke and Aretha Maduro dated May 22, 2012, K-F-P-021041		
340	Dubinsky Report, Figure 65, Promissory Note between Flash Holdings, LLC and Robert F. Smith dated June 28, 2012, K-F-024847		
341	Dubinsky Report, Figure 66, Assignment of Interest in Promissory Note for Robert F. Smith dated April 30, 2013, K-F-024846		
342	Dubinsky Report, Figure 67, Fax from Emil Arguelles to Carlos Kepke dated March 30, 2000, K-F-019840		
343	Email from Carlos Kepke to Robert Smith re Belize Trustee		
344	Dubinsky Report, Figure 69, Email from Carlos Kepke to John Warnken-Brill dated December 2, 2010		
345	Dubinsky Report, Figure 70, Email from Carlos Kepke to John Warnken Brill and Robert Smith dated December 21, 2010		
346	Dubinsky Report, Figure 71, Email from Carlos Kepke to John Warnken-Brill and Robert Smith dated March 3, 2011		

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351	Intentionally Blank		
352	Intentionally Blank		
353	Letter, Ref. IRS requiring disclosure of foreign assets		
354	Dubinsky Report, Figure 81, Robert F Smith 2011 FinCEN Form 114 Report of Foreign Bank and Financial Accounts		
355	Dubinsky Report, Figure 82, VP Bank Account Statement for Flash Holdings, LLC acct. no#15.208.920.010 dated February 1, 2011		
356	Robert Smith 2008 Form 1040, Individual Federal Income Tax Return		
357	Robert Smith 2009 Form 1040, Individual Federal Income Tax Return		
358	Robert Smith 2010 Form 1040, Individual Federal Income Tax Return		
359	Robert Smith 2011 Form 1040, Individual Federal Income Tax Return		
360	Robert Smith 2012 Form 1040, Individual Federal Income Tax Return		



361	Robert Smith 2013 Form 1040, Individual Federal Income Tax Return		
362	Robert Smith 2014 Form 1040, Individual Federal Income Tax Return		
363	Robert Smith 2010 Form 1040X, Amended Income Tax Return		
364	Robert Smith 2011 Form 1040X, Amended Income Tax Return		
365	Robert Smith 2012 Form 1040X, Amended Income Tax Return		
366	Robert Smith 2013 Form 1040X, Amended Income Tax Return		
367	Robert Smith 2015 Form 1040X, Amended Income Tax Return		
368	Vista Equity Partners Fund IV GP LLC 2011 Form 1065, Partnership Return		
369	Vista Equity Partners Fund IV GP LLC 2012 Form 1065, Partnership Return		
370	Vista Equity Partners Fund IV GP LLC 2013 Form 1065, Partnership Return		
371	Vista Equity Partners Fund IV GP LLC 2014 Form 1065, Partnership Return		
372	VEPF IV GP (Cayman), L.P. 2012 Form 1065, Partnership Return		

373	VEPF IV GP (Cayman), L.P. 2013 Form 1065, Partnership Return		
374	VEPF IV GP (Cayman), L.P. 2014 Form 1065, Partnership Return		
375	VEP Fund III Equity LLC 2007 Form 1065, Partnership Return		
376	VEP Fund III Equity LLC 2008 Form 1065, Partnership Return		
377	VEP Fund III Equity LLC 2009 Form 1065, Partnership Return		
378	VEP Fund III Equity LLC 2010 Form 1065, Partnership Return		
379	VEP Fund III Equity LLC 2011 Form 1065, Partnership Return		
380	VEP Fund III Equity LLC 2012 Form 1065, Partnership Return		
381	VEP Fund III Equity LLC 2013 Form 1065, Partnership Return		
382	VEP Fund III Equity LLC 2014 Form 1065, Partnership Return		
383	VEP Fund III Equity GP LLC 2007 Form 1065, Partnership Return		
384	VEP Fund III Equity GP LLC 2008 Form 1065, Partnership Return		
385	VEP Fund III Equity GP LLC 2009 Form 1065, Partnership Return		
386	VEP Fund III Equity GP LLC 2010 Form 1065, Partnership Return		
387	VEP Fund III Equity GP LLC 2011 Form 1065, Partnership Return		
388	VEP Fund III Equity GP LLC 2012 Form 1065, Partnership Return		

389	VEP Fund III Equity GP LLC 2013 Form 1065, Partnership Return		
390	VEP Fund III Equity GP LLC 2014 Form 1065, Partnership Return		
391	Vista Foundation Fund I Equity, LLC 2009 Form 1065		
392	Vista Foundation Fund I Equity, LLC 2010 Form 1065		
393	Vista Foundation Fund I Equity, LLC 2011 Form 1065		
394	Vista Foundation Fund I Equity, LLC 2012 Form 1065		
395	Vista Foundation Fund I Equity, LLC 2013 Form 1065		
396	Vista Foundation Fund I Equity, LLC 2014 Form 1065		
397	Vista Foundation Fund I GP, LLC 2009 Form 1065		
398	Vista Foundation Fund I GP, LLC 2010 Form 1065		
399	Vista Foundation Fund I GP, LLC 2011 Form 1065		
400	Vista Foundation Fund I GP, LLC 2012 Form 1065		
401	Vista Foundation Fund I GP, LLC 2013 Form 1065		
402	Vista Foundation Fund I GP, LLC 2014 Form 1065		
403	Vista Equity Partners Fund IV Equity, 2011 Form 1065, Partnership Return		
404	Vista Equity Partners Fund IV Equity, 2012 Form 1065, Partnership Return		

405	Vista Equity Partners Fund IV Equity, 2013 Form 1065, Partnership Return		
406	Vista Equity Partners Fund IV Equity, 2014 Form 1065, Partnership Return		
407	UC Transcript dated 3/24/2017, 9:07 - 9:08 am, 2 pgs		
408	UC Transcript dated 3/24/2017, 2:21 - 2:23pm, 3 pgs		
409	UC Transcript dated 3/24/2017, 3:11 - 3:51 pm ,42 pgs		
410	UC Transcript dated 3/25/2017, 11:43 - 11:43am, 2 pgs		
411	UC Transcript dated 3/27/2017, 10:45- 11:10 am, 25 pgs		
412	UC Transcript dated 5/24/2017, 9:42 - 11:46 am, 124 pgs		
413	UC Transcript dated 11/14/2017, 12:50 - 1:10pm, 24 pgs		
414	UC Transcript dated 3/21/2018 8:33 min audio clip		
415	UC Transcript dated 12/4/2017, 11:30am call transcript 1pg*		
416	UC Transcript dated 1/22/2018, 12:30pm - 00:00pm, 49 pgs		
417	UC Transcript dated 1/23/2018, 9:17 am voicemail transcript, 1 pg		
418	UC Transcript dated 1/23/2018 9:30am - 00:00:00, 3 pgs		
419	UC Transcript dated 1/23/2018 11:21 am - 00:00 am, 8 pgs		
420	UC Transcript dated 1/23/2018 4:05pm - 00:00 am , 7 pgs		

421	UC Transcript dated 1/23/2018, 4:44pm voicemail transcript, 1 pg		
422	UC Transcript dated 1/23/2018, 4:05 pm -00:00 am transcript 7 pgs		
423	UC Transcript dated 2/7/2018 8:45 am - 11:30 am, 205 pgs		
424	UC Transcript dated 2/8/2018 4:22pm - 00:00pm, 2 pgs		
425	UC Transcript dated 2/8/2018 11:05 am - 00:00am, 6 pgs		
426	UC Transcript dated 2/15/2018, 11:00 am 00:00am 48 pgs		
427	UC Transcript dated 2/15/2018, 00:00 unk - 00:00 unk, 35 pgs		
428	UC Transcript dated 2/22/2018, 1:00 pm - 00:00pm 54 pgs		
429	UC Transcript dated 2/23/2018, 3:13pm - 00:00pm 3 pgs		
430	UC Transcript dated 2/23/2018, 3:30pm - 00:00pm 8 pgs		
431	UC Transcript dated 2/24/2018 10:12 am - 00:00am 2 pgs		
432	UC Transcript dated 2/24/2018 8:10pm - 0:00pm 2 pgs		
433	UC Transcript dated 2/25/2018, 5:24 pm - 00:00pm 3 pgs		
434	UC Transcript dated 2/25/2018 10:44pm - 00:00am 2 pgs		
435	UC Transcript dated 2/25/2018, 5:15pm - 00:00pm 10 pgs		
436	UC Transcript dated 3/9/2018 4:34pm voicemail transcript 1 pg		

437	UC Transcript dated 3/11/2018 4:10pm call voicemail transcript 1 pg		
438	UC Transcript dated 3/11/2018 6:08 pm voicemail transcript 1 pg		
439	UC Transcript dated 3/11/2018 8:25pm call left vm transcript 1 pg		
440	UC Transcript dared 3/1/2018 11:20 am call 7 pgs		
441	UC Transcript dated 3/12/2018 11:32am call transcript 2 pgs		
442	UC Transcript dated 3/21/2018, 1:50pm - 00:00:00 13 pgs		
443	UC Transcript dated 4/5/2018, 00:00 - 00:00 2 pgs		
444	UC Transcript dated 3/27/2018 1:50pm - 00:00:00 11 pgs		
445	UC Transcript dated 4/5/2018, 8:19pm -00:00:00 3 pgs		
446	UC Transcript dated 4/5/2018 3:20pm - 00:00:00 10 pgs		
447	UC Transcript dated 4/5/2018 4:04 pm - 00:00:00 2 pgs		
448	UC Transcript dated 4/5/2018 2:10pm - 00:00:00 2 pgs		
449	UC Transcript dated 4/5/2018 6:35pm - 00:00:00 14 pgs		
450	UC Transcript dated 4/7/2018 2:45pm - 00:00:00 13 pgs		

451	UC Transcript dated 5/24/2018 12pm call transcript 7pgs		
452	UC Transcript dated 5/31/2018 3:05 pm msg for Arguelles transcript, 2pgs		
453	UC Transcript dated 6/6/2018 3:30pm message for Arguelles transcript 2 pgs		
454	UC Transcript dated 6/6/2018 5:45pm call with Arguelles transcript 5 pg		
455	UC Transcript dated 6/28/2018 12:20 pm call transcript 20 pgs		
456	UC Transcript dated 7/11/2018 11:15 am call transcript 24 pgs		
457	UC Transcript dated 7/31/2018 4:50 pm message for Robert Erwin transcript 2 pgs		
458	UC Transcript dated 8/1/2018 4:27 pm voicemail transcript 1 pg		
459	UC Transcript dated 8/2/2018 10:00 am msg for Robert Erwin transcript 2 pgs		
460	UC Transcript dated 8/11/2018 11:10 am transcript 25 pgs		
461	UC Transcript dated 8/17/2018 11:55 am transcript 32 pgs		
462	UC Transcript dated 8/17/2018 9:20am voicemail transcript 1 pg		
463	UC Audio, Audio/Video Placeholder - File Name WS400387.WMA		
464	UC Audio, Audio/Video Placeholder - File Name WS400388.WMA		
465	UC Audio, Audio/Video Placeholder - File Name WS400389.WMA		
466	UC Audio, Audio/Video Placeholder - File Name WS400390.WMA		

467	UC Audio, Audio/Video Placeholder - File Name WS400391.WMA		
468	UC Audio, 5/24/2007 9:42A 2:04:54 min audio		
469	UC Audio, Audio/video Placeholder - File Name WS400403.WMA		
470	UC Audio 12/14/2017 1:02:34 audio clip		
471	UC Audio 12/4/2017 1 min :09 sec audio		
472	UC Audio 1/22/2018 36:27 sec audio		
473	UC Audio 1/23/2018 0:42 sec audio		
474	UC Audio 1/23/2018 1:30 sec audio		
475	UC Audio , no date 4:06 audio		
476	UC Audio 1/23/2018 3:40 sec audio		
477	UC Audio 1/23/2018 40 sec audio vm		
478	UC Audio 2/7/2018 2:45:52 sec audio		
479	UC Audio 2/7/2018 0:47 sec audio		
480	UC Audio 2/8/2018 3:31 sec audio		
481	UC Audio 2/15/2016 38:52 sec audio		
482	UC Audio 2/15/2018 27:42 sec audio		



483	UC Audio 2/22/2018 39:32 sec audio		
484	UC Audio 2/23/2018 1:27 sec audio vm		
485	UC Audio 6/6/2018 1:05 sec audio		
486	UC Audio 2/24/2018 0:48 sec audio vm		
487	UC Audio 2/24/2018 1:26 sec audio		
488	UC Audio 2/25/2018 5:45 sec audio		
489	UC Audio 2/25/2018 1:13sec audio vm		
490	UC Audio 2/25/2018 1:00 min audio clip		
491	UC Audio 3/9/2019 0:41 sec audio vm		
492	UC Audio 3/11/2018 0:29 sec audio		
493	UC Audio 3/11/2018 1:19 sec audio		
494	UC Audio 3/11/2018 1:29 sec audio		
495	UC Audio 3/12/2018 1:21 sec audio		
496	UC Audio 3/12/2018 8:21 sec audio		
497	UC Audio 3/21/2018 8:33 sec audio		
498	UC Audio 3/23/2018 0:33 sec audio vm		

499	UC Audio 3/27/2018 6:14 sec audio		
500	UC Audio 4/4/2018 1:28 sec audio		
501	UC Audio 4/5/2018 0:36 sec audio		
502	UC Audio 4/5/2018 6:12 sec audio		
503	UC Audio 4/5/2018 0:46 sec audio vm		
504	UC Audio 4/5/2018 8:56 sec audio		
505	UC Audio 4/7/2018 8:18 sec audio		
506	UC Audio 5/24/2018 7:21 sec audio		
507	UC Audio 5/31/2018 1:35 sec audio		
508	UC Audio 6/6/2018 4:55 sec audio		
509	UC Audio 6/6/2018 1:05 sec audio		
510	UC Audio 6/28/2018 12:09 sec audio		
511	UC Audio 7/11/2018 16:03 sec audio		
512	UC Audio 7/31/2018 1:54 sec audio		
513	UC Audio 8/1/2018 0:21 sec audio vm		
514	UC Audio 8/2/2018 1:22 sec audio		

515	UC Audio 8/11/2018 15:40 sec audio		
516	UC Audio 8/17/2018 22:09 sec audio		
517	UC Audio 8/17/2018 0:36 sec audio vm		
518	IRS 2013 Audit File for Vista		
519	IRS 2013 Audit File for Robert Smith		
520	IRS 2015 Audit File Workpaper for Robert Smith		
521	Statement of Glenn D. Godfrey		
522	Letter from C. Kepke to G. Godfrey re Robert F. Smith		
523	Document Title "Asset Protection With Foreign Trusts"		
524	Letter from E. Arguelles to R. Smith re Excelsior Trust		
525	Fax from R. Smith to G. Godfrey re Excelsior Trust		
526	Fax from C. Kepke to E. Arguelles re: Excelsior Trust		
527	Letter from E. Arguelles to H. Waddington re: Excelsior Trust		
528	Fax from C. Kepke to G. Godfrey re Excelsior Trust Robert F. Smith		
529	Letter from J. Godfrey to Provident Bank & Trust of Belize we \$15,000 transfer		
530	Letter from C. Kepke to E. Arguelles re Excelsior Trust Flash Holdings, LLC		

531	Fax from C. Kepke to E. Arguelles re: Excelsior Trust Date		
532	Fax from C. Kepke to E. Arguelles re: Excelsior Trust (w/ handwritten notes)		
533	Email from R. Smith to E. Arguelles re: Invoice for creation of Excelsior		
534	Fax from C. Kepke to G. Godfrey re Excelsior Trust		
535	Fax from E. Arguelles to C. Kepke re 30k payment		
536	Fax from E. Arguelles to R. Smith re: trust corpus		
537	Message from R. Smith to E. Arguelles re payment of invoice		
538	Copy of check for \$30,000 to Cititrust		
539	Letter from E. Arguelles to C. Kepke re Trust Indenture		
540	Letter from E. Arguelles to C. Kepke re bearer share certificates		
541	Letter from E. Arguelles to H. Waddington re: signatory for Flash Holdings		
542	Fax from E. Arguelles to C. Kepke re Excelsior Trust ownership of Flash Holdings		
543	Letter from C. Kepke to E. Arguelles re Excelsior Trust Flash Holdings LLC		
544	Letter from C. Kepke to E. Arguelles re: Excelsior Trust Flash Holdings		
545	Fax from C. Kepke to E. Arguelles re Excelsior Trust		
546	Fax from E. Arguelles to C. Kepke re bearer shares		

547	Fax from C. Kepke to E. Arguelles re Excelsior Trust		
548	Fax from E. Arguelles to R. Smith re: Serco Management		
549	Letter from E. Arguelles to Serco Management re Flash Holdings LLC		
550	Fax from S. Thuraiayah for E. Arguelles to C. Kepke re Flash Holdings LLC		
551	Letter from E. Arguelles to Serco Management re Flash Holdings LLC		
552	Letter from ATU to E. Arguelles re Flash Holdings LLC		
553	Fax from C. Kepke to S. Thuraiayah re Excalibur - Excalibur Trust - Flash Holdings		
554	Letter from A. Sosa to C. Kepke re Bearer Shares of Flash Holdings (various copies)		
555	Fax from C. Kepke to A. Sosa re holding Flash shares by relative in UK		
556	Letter from A. Sosa to C. Kepke re holding Flash shares by relative in UK		
557	Fax from C. Kepke to A. Sosa re Flash Holdings LLC		
558	Fax from L. Longworth to C. Kepke re Excelsior Trust/Flash Holdings, LLC		
559	Email from J. Godfrey to P. Ott Vista Management Ltd.		
560	Email from R. Smith to J. Godfrey re Trust Registration		
561	Emails re Flash Holdings LLC		
562	Email exchanges between J. Godfrey and others re Vista Management Ltd.		

563	Letter from C. Kepke to J. Godfrey re Flash Holdings LLC		
564	Notice of Termination of Cititrust as Trustee of Excelsior Trust		
565	Notice of Resignation of Trustee		
566	Letter from Cititrust to B. Escalante re transition of Excelsior Trust documents		
567	Flash Holdings Operating Agreement		
568	Resignation of Organization Rights		
569	Written Resolution of the Sole Member of the Company		
570	Flash Holdings Endorsement Certificate		
571	Flash Bearer Share Certificate		
572	2009 Form 1040 Carlos Kepke		
573	2010 Form 1040 Carlos Kepke		
574	2011 Form 1040 Carlos Kepke		
575	2012 Form 1040 Carlos Kepke		

576	2012 Form 1040 Carlos Kepke Part 2		
577	2012 Form 1040 Carlos Kepke Sch C		
578	2013 Form 1040 Carlos Kepke		
579	2014 Form 1040 Carlos Kepke		
580	2015 Form 1040 Carlos Kepke		
581	2016 Form 1040 Carlos Kepke		
582	2017 Form 1040 Carlos Kepke		
583	2015 Form 1040X Carlos Kepke		
584	2018 Form 1040 Carlos Kepke		
585	2019 Form 1040 Carlos Kepke		
586	MOI Emil Arguelles		

587	MOI Emil Arguelles		
588	MOI Emil Arguelles		
589	MOI Denise Davis		
590	MOI Denise Davis		
591	MOI Denise Davis		
592	MOI Joy Godfrey		
593	MOI Joy & Glenn Godfrey		
594	MOI Joy & Glenn Godfrey		
595	MOI Roger Humphreys		
596	MOI Kin Kong		
597	MOI Brian Mah		
598	MOI Brian Mah		
599	MOI Robert Mah		
600	Intentionally Blank		
601	Intentionally Blank		
602	MOI Robert Smith		
603	MOI Robert Smith		
604	MOI Robert Smith		



605	MOI Robyn Neal		
606	MOI Robyn Neal		
607	Designation 1		
608	Designation 2		
609	Designation 3		
610	Designation 4		
611	Designation 5		
612	Designation 6		
613	Designation 7		
614	Designation 8		
615	Designation 9		
616	Designation 10		
617	Designation 11		
618	Designation 12		
619	GJ Transcript Robert Smith dated 3-18-2021		
620	GJ Transcript Roger Humphries dated 1-26-2017		

621	GJ Transcript Brian Mah dated 1-26-2017		
622	GJ Transcript Robert Mah dated 5-11-2017		
623	GJ Transcript Denise Davis dated 7-20-2017		
624	GJ Transcript Denise Davis dated 2-8-2018		
625	GJ Transcript Denise Davis dated 5-10-2018		
626	GJ Transcript Robyn Neal dated 4-5-2018		
627	GJ Transcript Emil Arguelles dated 11-8-2018		
628	GJ Transcript Glenn Godfrey dated 12-6-2018		
629	GJ Transcript Glenn Godfrey dated 12-6-2018		
630	Invoice, Excelsior Trust, dated November 6, 2002		
631	Debit Advice for \$48,867,000.00, dated November 14, 2014		
632	Email, Kepke to Smith, dated December 21, 2010		
633	Email, Kepke to John Staples, cc: Smith, dated May 11, 2012		
634	Email, Smith to Kepke, dated June 4, 2013		
635	Email, Smith to Kepke, dated September 18, 2013		
636	Email, Kepke to John Warnken Brill, cc: Arguelles dated August 30, 2012		

637	Carlos Kepke, Amegy Bank Records		
638	Letter from C. Kepke to A. Maduro		
639	Flash-Vista Management Agreement		